



# STATE OF WISCONSIN Assembly Journal

## Ninety-Sixth Regular Session

FRIDAY, December 19, 2003

The Chief Clerk makes the following entries under the above date:

### AMENDMENTS OFFERED

Assembly amendment 1 to **Assembly Bill 32** offered by committee on **Transportation**.

Assembly amendment 1 to **Assembly Bill 429** offered by Representative Staskunas.

Assembly amendment 1 to **Assembly Bill 614** offered by committee on **Transportation**.

### ADMINISTRATIVE RULES

#### **Assembly Clearinghouse Rule 03-092**

Relating to the transfer of personnel commission responsibilities to the equal rights division and other revisions to civil rights rules.

Submitted by Department of Workforce Development.  
Report received from Agency, December 12, 2003.  
To committee on **Labor**.  
Referred on December 19, 2003.

#### **Assembly Clearinghouse Rule 03-100**

Relating to circulator residency requirements.  
Submitted by Elections Board.

Report received from Agency, December 12, 2003.  
To committee on **Campaigns and Elections**.  
Referred on December 19, 2003.

#### **Assembly Clearinghouse Rule 03-101**

Relating to the child care local pass through program.  
Submitted by Department of Workforce Development.  
Report received from Agency, December 12, 2003.  
To committee on **Children and Families**.  
Referred on December 19, 2003.

#### **Assembly Clearinghouse Rule 03-109**

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.  
Submitted by Department of Transportation.  
Report received from Agency, December 12, 2003.  
To committee on **Transportation**.  
Referred on December 19, 2003.

### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Joint Resolution 58**

Relating to: the life and public service of Paul J. Sturino.

By Representatives Hubler, Vukmir, Weber, Jeskewitz, Montgomery, Kerkman, Miller, Gunderson, Pettis, Towns, Krug, Plouff, Gard, Berceau, J. Lehman, Ladwig, Boyle, Turner, Albers, Lothian, Taylor, Hahn, Petrowski, Hundertmark, Nass, Suder, Staskunas, Musser, Bies and Kreuser; cosponsored by Senators Jauch, Zien, Kanavas, Brown, Carpenter, Hansen, Schultz, Wirch, Kedzie, Roessler, Decker, Cowles and Lazich.

To committee on **Rules**.

#### **Assembly Joint Resolution 59**

Relating to: discouraging the procurement of Tyson Foods products.

By Representatives Pocan, Sinicki, Cullen, Black, Berceau, Zepnick, Van Akkeren, Plouff, Schooff and Taylor; cosponsored by Senators Erpenbach, Carpenter, Chvala, Decker, Hansen, Breske, Risser, Plale, Robson, Wirch and Coggs.

To committee on **Rules**.

#### **Assembly Joint Resolution 60**

Relating to: permitting the powers of sheriffs to be determined in each county (first consideration).

By Representatives Krawczyk, Travis, Taylor, Staskunas, Turner, McCormick and F. Lasee; cosponsored by Senators Cowles and Reynolds.

To committee on **Corrections and the Courts**.

#### **Assembly Joint Resolution 61**

Relating to: commending and congratulating Matt Kenseth, his family, and his crew on winning the NASCAR Winston Cup Championship.

By Representatives Ward, Friske, Richards, Gunderson, LeMahieu, Gronemus, Lothian, Boyle, Towns, M. Lehman, Turner, Miller, Montgomery, Musser, Nischke, Ladwig, Suder, Petrowski, Honadel, Pocan, Nass, Albers, Hahn, Kaufert, Olsen, Bies, Ott, Shilling, Jeskewitz, Stone, Vrakas, Townsend and Steinbrink; cosponsored by Senators S. Fitzgerald, Breske, Darling, Chvala, Brown, Hansen, Kanavas, Lazich, Carpenter, Stepp and Roessler.

To committee on **Rules**.

**Assembly Bill 705**

Relating to: creating a technology commercialization grant and loan program, providing an exemption from emergency rule procedures, granting rule-making authority, and making an appropriation.

By Representatives Schooff, Staskunas, J. Lehman, Taylor, Plouff, Shilling, Richards, Albers, Miller, Molepske and Turner; cosponsored by Senators Plale, Lassa, Erpenbach and Wirch.

To committee on **Economic Development**.

**Assembly Bill 706**

Relating to: attendance in a nonresident school district under the Open Enrollment Program.

By Representatives Cullen, Zepnick, Krug, Turner, Lothian, J. Lehman and Staskunas; cosponsored by Senators Reynolds and Moore.

To committee on **Education Reform**.

**Assembly Bill 707**

Relating to: immunity from civil liability for those who provide, or administer the provision of, transportation to an individual who is utilizing the service to avoid operating a motor vehicle while under the influence of an intoxicant.

By Representatives Krawczyk, Van Roy, Montgomery, Berceau, Miller, Nischke, Kreibich, Weber, Hines, Turner, Albers, Kaufert, Owens, Ainsworth, McCormick, Hahn, Hundertmark, Vrakas, Musser, D. Meyer, J. Wood, Bies and Suder; cosponsored by Senators Roessler, Risser, A. Lasee, Hansen and Breske.

To committee on **Judiciary**.

**Assembly Bill 708**

Relating to: health insurance coverage of smoking cessation treatment and medications.

By Representatives Black, Boyle, Pocan, Berceau and Wasserman; cosponsored by Senators Risser and Chvala.

To committee on **Insurance**.

**Assembly Bill 709**

Relating to: the confidentiality of pupil records and the exchange of information between a pupil's school, the juvenile justice system, and law enforcement agencies.

By Representatives Hundertmark, Kreibich, Suder, Olsen, Hahn, Jeskewitz, M. Lehman, Musser, Townsend, Ladwig, Ainsworth, Bies, Lothian, LeMahieu, Hines, Seratti, Van Roy, Owens, Krawczyk, Ott and Albers; cosponsored by Senator Roessler.

To committee on **Corrections and the Courts**.

**Assembly Bill 710**

Relating to: exempting farm truck tractors being operated in intrastate transportation for certain agricultural purposes from vehicle registration.

By Representatives Petrowski, Albers, Balow, Bies, Friske, Gronemus, Grothman, Gunderson, Hahn, Hines, Krawczyk, Kreibich, McCormick, Musser, Olsen, Seratti,

Stone, Suder, Towns, Vrakas, Vruwink and Weber; cosponsored by Senators A. Lasee, Brown, Lassa and Lazich.

To committee on **Transportation**.

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**EXECUTIVE COMMUNICATIONS**

State of Wisconsin  
Office of the Governor  
Madison

December 18, 2003

To the Honorable Members of the Assembly:

The following bills, originating in the Assembly, have been approved, signed and deposited in the office of the Secretary of State:

<u>Bill Number</u>	<u>Act Number</u>	<u>Date Approved</u>
<b>Assembly Bill 79</b> . . . . .	109 . . . . .	December 18, 2003
<b>Assembly Bill 372</b> . . . . .	110 . . . . .	December 18, 2003
<b>Assembly Bill 487</b> . . . . .	111 . . . . .	December 18, 2003

Respectfully submitted,  
*JAMES DOYLE*  
Governor

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**GOVERNOR'S VETO MESSAGE**

December 18, 2003

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 85** in its entirety. This bill allows towns with populations over 4,000 and equalized property value over \$125 million, which are located on land completely surrounded by navigable waterways and comprise less than 15 square miles, to incorporate as a city or village without receiving approval by a circuit court and the state Department of Administration. Currently, only the Town of Campbell in LaCrosse County meets these criteria.

I am vetoing this bill because I believe that local governments affected by this legislative proposal should work cooperatively, amongst themselves, to develop their boundaries and, if desired, service agreements. These local governments and their elected officials are in a better position than state officials to determine the appropriate boundaries for their communities.

There is also nothing in this veto that prevents the Town of Campbell from negotiating a mutually acceptable resolution of its boundaries with other local governments.

Respectfully submitted,  
*JAMES DOYLE*  
Governor

**COMMUNICATIONS**

State of Wisconsin  
Office of the Secretary of State  
Madison

To Whom It May Concern:

Acts, Joint Resolutions and Resolutions deposited in this office have been numbered and published as follows:

<u>Bill Number</u>	<u>Act Number</u>	<u>Publication Date</u>
<b>Assembly Bill 79</b> .....	109 .....	January 7, 2004
<b>Assembly Bill 372</b> .....	110 .....	January 7, 2004
<b>Assembly Bill 487</b> .....	111 .....	January 7, 2004

Sincerely,  
*DOUGLAS LA FOLLETTE*  
Secretary of State

December 15, 2003

Patrick Fuller, Assembly Chief Clerk  
17 West Main Street  
Room 208  
Madison, WI 53703

Dear Mr. Fuller:

I would like to go on record as having my vote changed on **Assembly Bill 197**.

I would like to formally change my vote for final passage on Assembly Bill 197. The vote was taken on November 11, 2003. I now would like to be recorded as a "No" on the passage of this legislation.

I have never supported this legislation and I am unsure as to how I was recorded as an "Aye" vote. Thank you for your time and consideration in this matter.

Sincerely,  
*CHRISTINE SINICKI*  
State Representative  
20th Assembly District

**AGENCY REPORTS**

State of Wisconsin  
Legislative Audit Bureau  
Madison

December 16, 2003

To the Honorable, the Legislature:

At the request of the departments of Commerce and Administration, and to meet our audit responsibilities under s. 13.94, Wis. Stats., we have completed a financial audit of the State of Wisconsin Petroleum Inspection Fee Revenue Obligations Program for the fiscal years ending June 30, 2003, and June 30, 2002. We were able to express our unqualified opinion on the program's Statement of Changes in Program Assets and related notes.

Under the Petroleum Inspection Fee Revenue Obligations Program, the State issues revenue obligations, such as bonds and commercial paper, to provide financing for payment of claims under the Wisconsin Petroleum Environmental Cleanup Fund Award (PECFA) program. The obligations are not general obligation debt of the State. Instead, the revenue obligations are to be repaid from the \$0.03 per gallon fee charged suppliers for petroleum products sold in Wisconsin and collected by the Department of Revenue.

As of June 30, 2003, the State had issued \$342.55 million in revenue obligations, which was the maximum permitted under s. 101.143(9m), Wis. Stats., at that time. However, it is expected that PECFA claims submitted for payment will continue to exceed the amount of petroleum inspection fees available to pay them. In addition, as of June 30, 2003, the Department of Commerce had a backlog of nearly \$6 million in approved claims awaiting payment, nearly \$37 million in additional claims that had been received but not yet approved for payment, and an estimated \$99 million in costs incurred by landowners under the program but not yet claimed for reimbursement. As a result, in 2003 Wisconsin Act 33, the Legislature increased the statutory limit for the program's revenue obligations to \$436 million, plus an amount to pay issuance or administrative costs, to make any necessary deposits to reserve funds, or to pay accrued or capitalized interest. On September 17, 2003, the Building Commission authorized the sale of \$95.88 million in revenue obligations, which are expected to be issued during the current fiscal year.

We appreciate the courtesy and cooperation extended to us during the audit by staff of the departments of Commerce, Administration, and Revenue.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

State of Wisconsin  
Legislative Audit Bureau  
Madison

December 19, 2003

To the Honorable, the Legislature:

We have completed a financial audit of the State of Wisconsin Educational Communications Board Radio Network to meet our audit requirements under s. 13.94, Wis. Stats., and as requested by the Educational Communications Board to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels.

The Educational Communications Board, which is an agency of the State of Wisconsin, operates a radio network of 12 FM stations and 1 AM station, as well as a television network of 5 digital stations and 5 analog stations. The radio network received \$9.3 million in support and revenue during fiscal year 2002-03, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains the financial statements and related notes for the period July 1, 2002, through June 30, 2003. We

were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by Educational Communications Board staff during the audit.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

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State of Wisconsin  
Legislative Audit Bureau  
Madison

December 19, 2003

To the Honorable, the Legislature:

We have completed a financial audit of the State of Wisconsin Educational Communications Board Television Network to meet our audit requirements under s. 13.94, Wis. Stats., and as requested by the Educational Communications Board to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels.

The Educational Communications Board, which is an agency of the State of Wisconsin, operates a television network of 5 digital stations and 5 analog stations, as well as a radio network of 12 FM stations and 1 AM station. The television network received \$17.1 million in support and revenue during fiscal year 2002-03, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains the financial statements and related notes for the period July 1, 2002, through June 30, 2003. We were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by Educational Communications Board staff during the audit.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

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State of Wisconsin  
Legislative Audit Bureau  
Madison

December 19, 2003

To the Honorable, the Legislature:

We have completed a financial audit of the Wisconsin Public Broadcasting Foundation, Inc.'s Television Fund and Radio Fund, as requested by the Wisconsin Educational

Communications Board. The Foundation was organized by the Educational Communications Board under s. 39.12 and ch. 181, Wis. Stats., on September 29, 1983, for the exclusive purpose of raising funds for the Wisconsin educational radio and television networks. The audit covered the period July 1, 2002, through June 30, 2003.

We completed this audit in conjunction with our audits of the Wisconsin Educational Communications Board radio and television networks, report numbers 03-15 and 03-16. The Foundation's financial operations are separate and independent from the State of Wisconsin. The Foundation's financial statements are presented in two separate funds (radio and television) to accommodate reporting requirements and the Educational Communications Board's desire to maintain the funds separately. We were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by Educational Communications Board staff during the audit.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor

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State of Wisconsin  
Legislative Audit Bureau  
Madison

December 19, 2003

To the Honorable, the Legislature:

We have completed a financial audit of WHA Television, as requested by the University of Wisconsin-Extension to fulfill the audit requirements of the Corporation for Public Broadcasting. The Corporation requires audited financial statements of public broadcasting entities to determine future funding levels.

WHA Television is licensed to the Board of Regents of the University of Wisconsin System and is operated by the University of Wisconsin-Extension. WHA Television received \$16.0 million in revenues during fiscal year 2002-03, including state support, member contributions, funding from the Corporation for Public Broadcasting, and various other grants.

Our audit report contains the financial statements and related notes for the period July 1, 2002 through June 30, 2003. We were able to issue an unqualified independent auditor's report on these statements.

We appreciate the courtesy and cooperation extended to us by University of Wisconsin-Extension staff during the audit.

Respectfully submitted,  
*JANICE MUELLER*  
State Auditor